

COMPREHENSIVE NUCLEAR TEST-BAN TREATY

Article-by-Article Summary of Key Provisions

Article I – Basic Obligations

- Each party “undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion and to prohibit and prevent any such explosion at any place under its jurisdiction or control.”
- Each party also undertakes to “refrain from causing, encouraging, or in any way participating in carrying out of any nuclear weapon test explosion or any other nuclear explosion.”

Article II – Comprehensive Test Ban Treaty Organization (CTBTO)

- Establishes the Comprehensive Nuclear Test-Ban Treaty Organization (CTBTO, or “Organization”), to be located in Vienna, Austria.
- *Conference of States Parties* – all parties to the treaty; meets annually or by special session. (Art. II, ¶¶ 12-26)
 - Decision on “matters of substance” to be made by consensus, or if that is not possible, by two-thirds majority. (Art. II(22))
- *Executive Council* – governing body that acts between Conference meetings. Comprised of 51 members, distributed geographically. (Art. II, ¶¶ 27-41)
 - Ten seats allocated to North America and Western Europe; one-third of these must take into account political and security interests and nuclear capabilities relevant to the treaty. Therefore, the United States should always have a seat on the Council. (Art II, ¶¶ 28-29)
 - Executive Council is responsible, among other things, for examining possible non-compliance and approving inspections.
 - Decisions on “matters of substance” taken by two-thirds unless otherwise stated in the Treaty. (Art. II(36))
- *Technical Secretariat* – professional and administrative staff of the CTBTO, headed by Director-General (Art. II, ¶¶ 42-53)

Article III – National Implementation Measures

- Requires parties to take measures to implement Treaty, including establishing a National Authority to serve as focal point for liaison with states and the CTBTO.

Article IV – Verification

- Establishes International Monitoring System (IMS) – worldwide system of facilities to undertake seismographic, radionuclide, hydroacoustic, and infrasound monitoring. All data fed into an International Data Center (IDC) (currently in Rosslyn, VA, but ultimately will be in Vienna, Austria).
- All States Parties shall have equal, timely, and convenient access to all IMS data and all IDC products. (Protocol Part I, ¶ 20)
- Treaty explicitly guarantees that states may use their own national technical means (NTM) of verification, and explicitly obligates states not to interfere with the use of NTM. (Art. IV, ¶¶ 5-6))
- *Consultation and Clarification* – states may request clarification of another state, directly or through CTBTO, about a matter which may cause concern about non-compliance with Article I of the Treaty (i.e., a potential nuclear explosion).
 - Once clarification sought, a state must respond within 48 hours. If a state considers the clarification unsatisfactory, it can request a meeting of the Executive Council to consider appropriate measures under Article V. (Art. IV, ¶¶ 29-33)
- *On-Site Inspections* – states may demand on-site inspections (a state need not seek “consultation and clarification” first) if they suspect that a nuclear explosion has occurred. (Art. IV, ¶¶ 34-67)

Requests/Time-line for inspections:

- Request transmitted to Executive Council, which must begin consideration of request immediately, and make a decision with 96 hours; Director-General seeks clarification from requested state, which must respond within 72 hours.
- Decision to approve inspection requires 30 affirmative votes (out of 51) of Council members. (Art. IV(46))

- Inspection team must arrive at point of entry of inspected state within six days of receipt of request for inspection, and begin inspections within 72 hours after arriving. (Art. IV(53); Protocol Part II, para. 57)
- Executive Council may impose penalties for frivolous requests, including suspending the right of a state to make inspection requests. (Art. IV(67))

Conduct of inspections

- Progress report submitted after 25 days. Continuation of inspection presumed unless Executive Council, within 72 hours after receiving report, decides by majority vote to end it. (Art. IV(47))
- Inspections may last 60 days, but may be extended an additional 70 days by majority vote of Executive Council (Art. IV(49); Protocol Part II, ¶ 4)
- Area to be inspected may not exceed 1000 square kilometers; no linear distance greater than 50 kilometers in any one direction (Protocol Part II, ¶ 3)
- Inspection must be conducted in “least intrusive manner possible.” Where possible, inspection team shall begin with least intrusive procedures and proceed to more intrusive procedures only as necessary. (Art. IV, ¶ 58)
- Techniques that may be used are as follows (techniques (f) through (h) may only be used after the first 25 days of the inspection -- and after its continuation has been approved) (Protocol, Part II, ¶¶ 69-70):
 - (a) Position finding from the air and at surface;
 - (b) Visual observation, video and still photography and multi-spectral imaging, including infrared measurements;
 - (c) Measurements of radioactivity;
 - (d) Environmental sampling and analysis of solids, liquids and gases;
 - (e) Passive seismological monitoring for aftershocks to localize search area and facilitation determination of nature of event;
 - (f) Resonance siesmometry and active seismic surveys;
 - (g) Magnetic and gravitational field mapping, ground penetrating radar and electrical conductivity measurements;
 - (h) Drilling to obtain radioactive samples
- Permission to drill requires separate decision of Executive Council by majority vote. (Art. IV(48))

- Only one inspection may occur on a state's territory at once.
- A state may protect national security information or confidential information through managed access, including shrouding of sensitive equipment. The inspected state has the "right to make the final decision regarding any access of the inspection team," taking into account its Treaty obligations and the managed access provisions. (Art. IV(57); Protocol Part II, ¶¶ 86-96)
- Requesting state may send observer; but requested state may reject. (Art IV(61).
- Inspectors drawn from pre-determined list. States may object to inspectors at time of their naming or at any other time, except that once a state has been notified of an inspection, it cannot seek removal of inspectors. (Protocol Part II, ¶¶ 14-25).
- Inspection team files report to Executive Council for its review and determination as to whether the Treaty has been violated.

Article V – Measures to Redress a Situation and Ensure Compliance, Including Sanctions

- In cases of treaty violations or failure to redress situations raised by the Conference, the Conference may recommend to states that they take "collective measures," including the imposition of sanctions.
- The Conference or the Executive Council may also bring the information to the attention of the United Nations and the UN Security Council.

Article VI – Settlement of Disputes

- Parties are encouraged to resolve disputes between them regarding interpretation and application of the Treaty. Settlement of disputes without prejudice to Articles IV and V.

Article VII – Amendments

- Substantive amendments to the Treaty may only be adopted by an Amendment Conference. Amendments may be proposed by any party, but an Amendment Conference may be convened only with support of a majority of States Parties.

- Amendment must be adopted by a positive vote of a majority of States Parties, with no State Party casting a negative vote. (Art. VII(5))
- Amendments that are “administrative or technical” in nature may be proposed and referred to Executive Council, which then makes recommendation to all State Parties. Such proposals adopted unless a State Party objects. If a Party objects, it goes on the agenda for the next Conference of States Parties as a matter of substance. (Art. VII, ¶¶ 7-8)

Article VIII – Review of the Treaty

- Calls for review conference 10 years after entry into force of the treaty. A State Party may request that the Conference consider the possibility of permitting the conduct of underground nuclear explosions for peaceful purposes.

Article IX – Duration and Withdrawal

- Treaty is of unlimited duration. A state may withdraw if it decides that “extraordinary events” related to the subject matter of the Treaty have “jeopardized its supreme interests.” Must give six months notice of withdrawal.

Article X – Status of the Protocol and Annexes

- Provides that the Annexes, the Protocol, and Annexes to the Treaty and Protocol are an integral part of the Treaty.

Articles XI-XIII – Signature, Ratification, and Accession

Article XIV – Entry into Force

- 180 days after deposit of instruments of ratification by all 44 States listed in Annex 2 (states with nuclear reactors as of 1996)

Article XV – Reservations

- No reservations permitted to the Treaty and the Annexes. Reservations may be made to the Protocol and the Annexes to the Protocol, but they may not be incompatible with the object and purpose of the Treaty.

Articles XVI-XVII – Depositary and Authentic Texts

Annex 1 – List of States (Geographic Groupings for Allocation of Executive Council membership)

Annex 2 – List of States Pursuant to Article XIV

Protocol

Part I: International Monitoring System and International Data Center functions

Part II: On-Site Inspections: detailed procedures governing inspections.

Part III: Confidence-Building Measures

- State Parties urged to provide the Technical Secretariat with advance notice of any chemical explosion using 300 tons or more of TNT-equivalent blasting material.

Annex 1 to the Protocol

- Listing of Seismological Stations, Radionuclide Stations, Radionuclide Laboratories, Hydroacoustic Stations, and Infrasound Stations.

Annex 2 to the Protocol

- List of characterization parameters for IDC standard event screening.